HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No. 5863 OF 2003

DATE: 24.09.2007

Between:

V.Narsing Prasad @ V. Rajan

..... PETITIONER

AND

The Assistant City Planner, Town Planning Section, Circle-II, M.C.H., Sardarmahal, Charminar, Hyderabad & 4 others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No. 5863 OF 2003

ORDER: (Per Hon'ble Sri Justice A. Gopal Reddy)

Letter sent by the petitioner to the Hon'ble Chief Justice, through Superintendent of Jail, alleging that the Assistant City Planner, Town

Planning Section, Circle-II, M.C.H., Sardarmahal, Charminar, the first respondent herein, has demolished his house bearing No.21-6-875, Loharkhana, near City College, Hyderabad, for the purpose of widening the road without his consent and without paying the compensation, was treated as a taken up writ petition and notices were issued to the respondents.

The first respondent filed a counter affidavit stating that the house properties bearing Nos.21-6-873, 21-6-874 & 21-6-875, altogether to an extent of 33.28 sq.yds. was affected in road widening. One Maqbool Ali, S/o.Maulvi Kursheed Ali, who is in possession of the property, claimed the compensation by producing mortgage deed and copy of the sale deed, which show that one Mr. Rajram has purchased the property in the year 1952 and mortgaged the same in favour of Mr. Maqbool Ali. After obtaining indemnity bond and sanction from said Maqbool Ali, who was in possession of the property, a portion of the property was demolished, which comes to 44 sq.yds, and compensation was paid to him. On receipt of letter from the jail officials, they have went to the jail and discussed with the petitioner to surrender a portion of that property for the purpose of road widening and he also accepted the cheque No.384021, dated 12.9.2001 drawn on State Bank of Hyderabad for an amount of Rs.2,70,254/-. But, he never claimed compensation with regard to the property bearing house No.21-6-875, for which said Maqbool Ali claimed the compensation.

Since the averments made in the counter affidavit clearly goes to show that the petitioner was paid an amount of Rs.2,70,254/- vide cheque No.384021, dated 12.9.2001 for his house property, no further orders need be passed in this Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J.

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24th SEPTEMBER, 2007 P. SWAROOP REDDY, J.
Tsr.

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